

**FORTY-THIRD LEGISLATIVE DAY
MONDAY, FEBRUARY 20, 2006**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Ellie Wladuka, Page.

Approval of Journal

February 20, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fortieth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

February 17, 2006

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 405 and H 406

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

February 17, 2006

Mr. Speaker:

I transmit herewith **SJM 118, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, and S 1328** which have passed the Senate.

WOOD, Secretary

SJM 118, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, and S 1328 were filed for first reading.

Report of Standing Committees

February 20, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 45** and **H 699**.

FIELD(18), Chairman

HCR 45 was referred to the Judiciary, Rules, and Administration Committee.

H 699 was referred to the Education Committee.

February 16, 2006

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 472** and report it back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

H 472 was placed on General Orders for consideration.

February 17, 2006

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 544** and **H 576** and recommend that they do pass.

STEVENSON, Chairman

H 544 and **H 576** were filed for second reading.

February 17, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 627, H 628, H 629, H 631, and H 634** and recommend that they do pass.

FIELD(18), Chairman

H 627, H 628, H 629, H 631, and H 634 were filed for second reading.

February 17, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 630** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

H 630 was placed on General Orders for consideration.

February 20, 2006

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 685** and recommend that it do pass.

CROW, Chairman

H 685 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SJM 118, by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Environment, Energy, and Technology Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 700 BY APPROPRIATIONS COMMITTEE AN ACT

RELATING TO APPROPRIATIONS FOR THE DEPARTMENT OF JUVENILE CORRECTIONS; AMENDING SECTION 1, CHAPTER 318, LAWS OF 2005, TO REVISE THE APPROPRIATION MADE TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2006; AMENDING SECTION 2, CHAPTER 318, LAWS OF 2005, TO PROVIDE ADDITIONAL AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OF JUVENILE CORRECTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 701 BY APPROPRIATIONS COMMITTEE AN ACT

RELATING TO APPROPRIATIONS FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION; AMENDING SECTION 1, CHAPTER 382, LAWS OF 2005, TO REVISE THE APPROPRIATION MADE TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION; AMENDING SECTION 2, CHAPTER 382, LAWS OF 2005, TO PROVIDE ADDITIONAL AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 702 BY EDUCATION COMMITTEE AN ACT

RELATING TO POSTSECONDARY EDUCATION SCHOLARSHIPS; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4318, IDAHO CODE, TO STATE LEGISLATIVE INTENT, TO CREATE AN IDAHO OPPORTUNITY SCHOLARSHIP PROGRAM, TO PROVIDE FOR PROCEDURES, TO CREATE AN IDAHO OPPORTUNITY SCHOLARSHIP FUND IN THE STATE TREASURY WITH A ONE TIME APPROPRIATION OF TEN MILLION DOLLARS AND TO DEFINE TERMS.

HOUSE BILL NO. 703 BY EDUCATION COMMITTEE

AN ACT

RELATING TO POSTSECONDARY EDUCATION LOANS; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4316, IDAHO CODE, TO STATE LEGISLATIVE INTENT, TO CREATE AN IDAHO OPPORTUNITY LOAN PROGRAM, TO PROVIDE FOR PROCEDURES, TO CREATE AN IDAHO OPPORTUNITY LOAN FUND IN THE STATE TREASURY WITH A ONE TIME APPROPRIATION OF FIVE MILLION DOLLARS AND TO DEFINE TERMS.

HOUSE BILL NO. 704 BY EDUCATION COMMITTEE AN ACT

RELATING TO POSTSECONDARY EDUCATION LOANS; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4317, IDAHO CODE, TO STATE LEGISLATIVE INTENT, TO CREATE AN IDAHO NEEDS-BASED MATH AND SCIENCE LOAN PROGRAM, TO PROVIDE FOR PROCEDURES, TO PROVIDE FOR LOAN FORGIVENESS, TO CREATE AN IDAHO NEEDS-BASED MATH AND SCIENCE LOAN FUND IN THE STATE TREASURY WITH A ONE TIME APPROPRIATION OF FIVE MILLION DOLLARS AND TO DEFINE TERMS.

HOUSE BILL NO. 705 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO COOPERATIVE SERVICE AGENCIES; AMENDING SECTION 33-317, IDAHO CODE, TO PROVIDE THAT A COOPERATIVE SERVICE AGENCY MAY REQUEST ITS MEMBER SCHOOL DISTRICTS TO AUTHORIZE A LEVY NOT TO EXCEED ONE-TENTH OF ONE PERCENT FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING COOPERATIVE SERVICE AGENCY FACILITIES, TO PROVIDE FOR CONTINUATION OF THE LEVY FOR ADDITIONAL TEN-YEAR PERIODS UPON APPROVAL OF DISTRICT ELECTORS, TO PROVIDE FOR ADMINISTRATION AND ACCOUNTING OF MONEYS RECEIVED AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 706 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO SALES TAX; AMENDING SECTION 63-36220, IDAHO CODE, TO EXEMPT FROM TAXATION SALES TO OR PURCHASES BY NONPROFIT ORGANIZATIONS OFFERING FREE DENTAL CLINIC SERVICES TO CHILDREN AND TO MAKE A TECHNICAL CORRECTION; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

H 700, H 701, H 702, H 703, H 704, H 705, and H 706 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, and S 1328, by Judiciary and Rules Committee, were introduced,

read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HJM 16 and **H 555**, by State Affairs Committee, were read the second time by title and filed for third reading.

H 458, H 459, H 461, H 473, and H 444, as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

H 606 and **H 659**, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

S 1264, by Transportation Committee, was read the second time by title and filed for third reading.

H 575, by Appropriations Committee, was read the second time by title and filed for third reading.

H 490 and **H 493**, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

H 499, H 564, and H 566, by Health and Welfare Committee, were read the second time by title and filed for third reading.

HCR 32 and **HCR 33**, by Education Committee, were read the second time by title and filed for third reading.

H 589, as amended, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

At this time, the Speaker put the House at ease.

MEMORIAL SERVICE

Opening Remarks Representative Bob Nonini

Choral Performance Sweet Adelines
Jerrie Beyrodt, Director

Remarks Representative John Rusche

“How Great Thou Art”
Katelyn Westergard

“Amazing Grace”
Hannah Alexander

Benediction Representative Robert Ring

A HOUSE MEMORIAL

WHEREAS, Representative Louis J. Horvath, Jr. has passed on since the close of the First Regular Session of the Fifty-eighth Idaho Legislature; and

WHEREAS, the late Representative Horvath served in this House, in the interest of Benewah, Kootenai, and Shoshone Counties during the Forty-fourth through the Fifty-second Legislatures covering the years 1977 through 1994.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Louis J. Horvath, Jr.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Horvath family.

Representative George Sayler paid tribute to the former Representative Horvath.

A HOUSE MEMORIAL

WHEREAS, Representative Paul C. Keeton has passed on since the close of the First Regular Session of the Fifty-eighth Idaho Legislature; and

WHEREAS, the late Representative Keeton served in this House, in the interest of Nez Perce County during the Forty-sixth through the Forty-eighth, and the Fifty-second Legislatures covering the years 1981 through 1986 and 1993 through 1994.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Paul C. Keeton.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Keeton family.

Representative Mike Mitchell and Speaker Bruce Newcomb paid tribute to the former Representative Keeton.

A HOUSE MEMORIAL

WHEREAS, Representative Jack C. Kenneville has passed on since the close of the First Regular Session of the Fifty-eighth Idaho Legislature; and

WHEREAS, the late Representative Kenneville served in this House, in the interest of Ada County during the Forty-first through the Forty-ninth Legislatures covering the years 1971 through 1988.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Jack C. Kenneville.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Kenneville family.

Representative Anne Pasley-Stuart paid tribute to the former Representative Kenneville.

A HOUSE MEMORIAL

WHEREAS, Representative Emerson Smock has passed on since the close of the First Regular Session of the Fifty-eighth Idaho Legislature; and

WHEREAS, the late Representative Smock served in this House, in the interest of Ada County during the Forty-eighth through the Fiftieth Legislatures covering the years 1985 through 1990.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Emerson Smock.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Smock family.

Representative Margaret Henbest paid tribute to the former Representative Smock.

A HOUSE MEMORIAL

WHEREAS, Representative Larry C. Watson has passed on since the close of the First Regular Session of the Fifty-eighth Idaho Legislature; and

WHEREAS, the late Representative Watson served in this House, in the interest of Benewah, Kootenai, and Shoshone Counties during the Fifty-fourth Legislature covering the years 1997 through 1998.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Larry C. Watson.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the

House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Watson family.

Representative Mary Lou Shepherd paid tribute to the former Representative Watson.

A HOUSE MEMORIAL

WHEREAS, Representative Patricia L. McDermott has passed on since the close of the First Regular Session of the Fifty-eighth Idaho Legislature; and

WHEREAS, the late Representative McDermott served in this House, in the interest of Bannock and Power Counties during the Fortieth through the Fiftieth Legislatures covering the years 1969 through 1990.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Patricia L. McDermott.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the McDermott family.

Representative Elaine Smith paid tribute to the former Representative McDermott.

A HOUSE MEMORIAL

WHEREAS, Representative Ralph Lacy has passed on since the close of the First Regular Session of the Fifty-eighth Idaho Legislature; and

WHEREAS, the late Representative Lacy served in this House, in the interest of Bannock County during the Forty-sixth Legislature covering the years 1981 through 1983.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Ralph Lacy.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Lacy family.

Representative Elmer Martinez paid tribute to the former Representative Lacy.

A HOUSE MEMORIAL

WHEREAS, Representative Sylvia McKeeth has passed on since the close of the First Regular Session of the Fifty-eighth

Idaho Legislature; and

WHEREAS, the late Representative McKeeth served in this House, in the interest of Ada County during the Fifty-second through the Fifty-third Legislatures covering the years 1993 through 1996.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Sylvia McKeeth.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the McKeeth family.

Representative Max Black paid tribute to the former Representative McKeeth.

A HOUSE MEMORIAL

WHEREAS, Representative Wendell C. Miller has passed on since the close of the First Regular Session of the Fifty-eighth Idaho Legislature; and

WHEREAS, the late Representative Miller served in this House, in the interest of Butte, Bingham, and Bonneville Counties during the Forty-second through the Forty-fifth Legislatures covering the years 1973 through 1980.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Wendell C. Miller.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Miller family.

Representative Ann Rydalch paid tribute to the former Representative Miller.

A HOUSE MEMORIAL

WHEREAS, Representative Gordon Hollifield has passed on since the close of the First Regular Session of the Fifty-eighth Idaho Legislature; and

WHEREAS, the late Representative Hollifield served in this House, in the interest of Camas, Jerome, Lincoln, and Gooding Counties during the Forty-third through the Forty-seventh Legislatures covering the years 1975 through 1984.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Gordon Hollifield.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Hollifield family.

Representative Bert Stevenson paid tribute to the former Representative Hollifield.

A HOUSE MEMORIAL

WHEREAS, Representative Allan F. Larsen has passed on since the close of the First Regular Session of the Fifty-eighth Idaho Legislature; and

WHEREAS, the late Representative Larsen served in this House, in the interest of Bannock, Bingham, Bear Lake, Butte, Caribou, Franklin, Oneida, and Power Counties during the Thirty-ninth through the Forty-fourth, and the Fifty-second through the Fifty-third Legislatures covering the years 1967 through 1978, and 1993 through 1996.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Fifty-eighth Legislature draw public attention by this Memorial to the life and works of Allan F. Larsen.

BE IT FURTHER RESOLVED that the House of Representatives of the Fifty-eighth Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Larsen family.

Representative Dennis Lake paid tribute to the former Representative Larsen.

Prior to going at ease, the House was at the Eleventh Order.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10 a.m., Tuesday, February 21, 2006. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:58 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk